

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL PROPOSED
DISTRICT PLAN HEARINGS PANEL**

UNDER **the Resource Management Act 1991**

IN THE MATTER OF **the Proposed Queenstown Lakes District
Plan**

**STATEMENT OF EVIDENCE OF FIONA BLACK ON PROPOSED
CHAPTERS 21, 33 and 34**

FOR

Real Journeys Limited (621/1341)

and

Te Anau Developments Limited (607/1342)

Dated: 21 April 2016

1. INTRODUCTION

1.1 My full name is Katherine FIONA Black. I work for Real Journeys Limited managing Real Journeys and its subsidiary companies Department of Conservation Concessions; Resource Consents and other regulatory authorisations, along with other operational related duties. I am authorised by these companies to give this evidence on their behalf.

1.2 I have worked in the New Zealand Tourism industry for 28 years; the last 12 years, for Real Journeys; in the first instance as the Milford Sound Branch Manager and for the last nine years in my current role. Consequently I have gained a considerable knowledge of the tourism industry, including the evolving challenges faced by this industry. Also since 2011, I have been a member of the Southland Conservation Board.

1.3 In preparing this evidence I have reviewed the following documents:

- a) Section 42A Report prepared by Mr Barr in relation to Proposed Chapter 21 (Rural), inclusive of the attached s32 reports and various background reports referred to in these documents;
- b) Section 42A Report prepared by Mr Barr in relation to Proposed Chapter 33 (Indigenous Vegetation), inclusive of the attached s32 reports and various background reports referred to in these documents; and
- c) Section 42A Report prepared by Mr Barr in relation to Proposed Chapter 34 (Wilding Pines), inclusive of the attached s32 reports and various background reports referred to in these documents.

2. SCOPE OF EVIDENCE

2.1 For simplicity sake I will only refer to Real Journeys Limited, not Te Anau Developments Limited. Nevertheless the points made are relevant to either or both entities.

3. RURAL ZONE

3.1 Mr Barr states that he has relied on Mr. Osborne's evidence apropos recommending changes to the Rural Chapter. With respect to Mr Osborne's evidence, Real Journeys is encouraged that the council has sought to quantify the importance of the Tourism Industry's contribution to the QLD economy. Nevertheless we take issue with some of Mr Osborne's assumptions.

3.2 Mr Osborne has identified that the: *"District's primary asset is its landscapes and natural environment, management and appropriate*

development of this resource are fundamental to the economic well-being of the Queenstown economy. This value is directly attributable through its contribution to tourism and the associated economic activity generated and sustained by it."

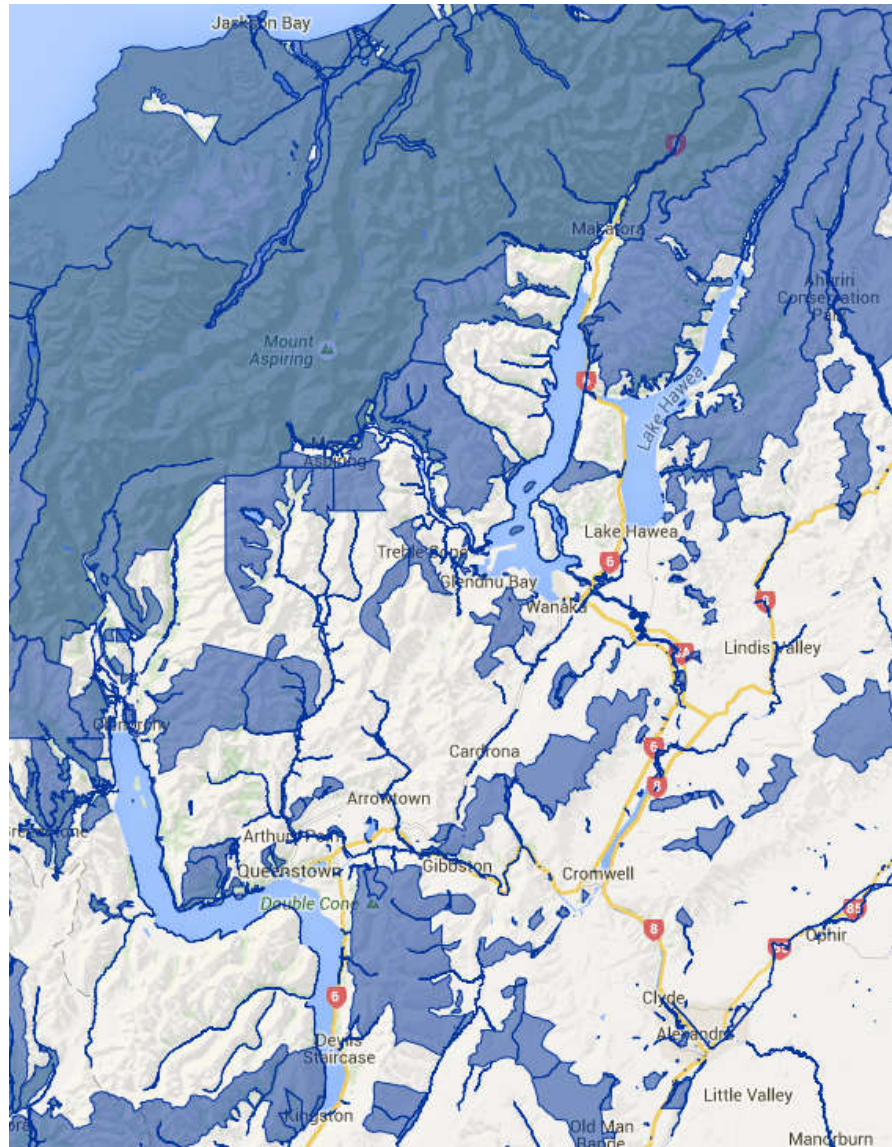
- 3.3 However Real Journeys contends this view is overly simplistic; the success of Queenstown as a tourism destination is also due to its location and development of the resort as a year round destination.
- 3.4 The early development of skifields in the district, which are of course enabled by the topography of the region, has been essential to Queenstown's success as a tourism destination. Tourism destinations which have year round clientele have a large competitive advantage over destinations which attract visitors only on a seasonal basis.
- 3.5 It is Queenstown's central location which is another key element of its success, as Queenstown can be accessed readily by road from the west, north, east and south. In addition, in recent years the Christchurch earthquakes have also been important in increasing visitor arrivals into the District, as visitors have sought to bypass Christchurch and this has been facilitated by improved air links. Further, Queenstown is located within one day's drive of Christchurch, is en-route to Milford Sound, and it is being on this route to Milford Sound which attracts many of the visitors to Queenstown. Consequently the landscapes outside the District also play a significant part in attracting visitors to Queenstown.
- 3.6 To support this I refer you to our passenger number statistics. We carry over 60,000 passengers per annum out of the District on our coaches. 51,000 of whom travel to Milford Sound (about 20% of our Milford Sound passengers). This is only a minor proportion of our Milford Sound passengers who travel ex Queenstown, as the majority arrive via other touring coaches or independently in cars and campervans.
- 3.7 Mr Osborne goes on to contend: *"Agricultural land use is an important tool in the management of the natural landscape as its productive form is generally both in keeping with the landscape, and in fact forms an integral component of it. As Dr Read states in her Evidence for the Strategic hearing, "Agricultural land uses create the character of the landscape" (at paragraph 6.7)."*
- 3.8 Real Journeys takes issue with the assumption that farmers are somehow superior custodians of rural land compared to other land owners. Farming has a longstanding history of degrading New Zealand's environment which continues today, with the ongoing pollution of waterways and other environmental changes, especially

due to diary farming.

- 3.9 I struggle with the concept of using farming as a way of maintaining the current landscapes when farmers readily change land uses to stay in business, with no apparent regard for the effects on landscape values. This can be seen throughout New Zealand where, in recent years, shelter belts have been removed and large areas have been irrigated to facilitate dairying, changing the character of these areas.
- 3.10 Tourism operators have a vested interest in ensuring the landscape values which attract visitors to the District are maintained. Consequently we are dismayed that Mr Osborne suggests there is a potential *“conflict between commercial tourist and recreational activities and the outstanding natural landscapes (ONL) and natural features (ONF) of the District”*, but this contention is not applied to farming.
- 3.11 Real Journeys does acknowledge that there is potential for the Tourism Industry to have significant adverse effects on the environment but this usually arises when the infrastructure cannot keep up with demand.
- 3.12 This is acknowledged by many commentators including Wallace Faria, Director, whl.travel Americas regional office *“In my opinion, the greatest threat provided by tourism to the environment is the lack of planning. When a tourism activity takes place without planning is when it becomes more dangerous to the environment and the local communities. There are several examples of this – resorts and tourist complexes of gigantic proportions that are completely changing the way of life in local communities. The lack of planning causes the misuse of resources, whether natural or human.”* <http://www.thetravelword.com/2012/04/18/what-is-tourisms-biggest-threat-to-the-environment/>
- 3.13 Mr Osborne goes on to state that: *“Appropriate agricultural activities not only meet the need for safeguarding but also manage the natural asset in a way that allows for a productive use, while still enhancing the value of the resource.”* However there do not seem to be any caveats included in the PDP to ensure only appropriate agricultural activities are permitted.
- 3.14 Similarly this focus on the importance of farming for *“its role in maintaining and protecting the natural environment's form and quality”* ignores the large swaths of land in the district which are crown land and waterways which are not farmed, and are probably of greater significant compared to farmland in maintaining the landscape and natural values of the District.

- 3.15 In his evidence Mr Osborne then carries on noting that: *“growth in tourism and tourism-related activities has continued to grow in the District not only at a substantial rate, but at a rate significantly greater than that experienced nationally. The recognition in the Operative District Plan of these activities as being fully discretionary does not appear to have impinged upon the industry’s ability to achieve these levels of growth.”.....“it is unlikely that continuing to identify these activities as discretionary will result in the loss of tourist activities to other communities the terrestrial environment for instance”*
- 3.16 Mr Osborne fails to identify the significant differences in the PDP and ODP provisions. Specifically the ODP policies and objectives do not advocate for the protection, maintenance and enhancement of landscape, conservation and rural amenity values as the PDP does.
- 3.17 Real Journeys has no problem in seeking resource consent for activities in the rural zone but the objectives, policies and rules in the PDP are such that many existing tourism attractions would struggle to obtain consent. For instance it is hard to argue that the Ledge Bungy or Off Road Expeditions or Hydro Attack would comply with the following PDP objective and policies:
21.2.9 Objective - A range of activities are undertaken on the basis they do not degrade landscape values, rural amenity, or impinge on permitted and established activities.
Policy 21.2.9.1 - Commercial activities in the Rural Zone should have a genuine link with the rural land and water resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.
Policy 21.2.9.2 - Provide for the establishment of commercial, retail and industrial activities only where these would protect, maintain or enhance rural quality or character, amenity values and landscape values.
- 3.18 I wonder if the Council has taken the time to run some resource consent applications through this proposed new District Plan regime to determine if existing consented activities could be approved?
- 3.19 I also note that Mr Osborne was engaged to provide evidence in relation to economic matters in the District, yet he seems to have focused on analysis of the agriculture and tourism sectors only. I believe it would have also been helpful for Mr Osborne to provide information on the mining and forestry sectors, especially with respect to *Pinus radiata* to give greater context to the PDP provisions relating to these sectors.

- 3.20 Moreover an analysis of economic importance of the District's lakes and rivers would also have been useful, rather than just focusing on the terrestrial environment. The District's waterways confer considerable benefits to the District and the wider Otago Region through the provision of water for: irrigation, snow making, drinking, downstream hydroelectric power generation and enabling numerous tourism activities.
- 3.21 This highlights what Real Journeys considers to be a deficiency of the PDP; its focus on the District's terrestrial environment, especially in context of the Rural Chapter. For instance the Rural Zone Purpose is: *"to enable farming activities while protecting, maintaining and enhancing landscape values, nature conservation values, the soil and water resource and rural amenity."* Where farming *"Means the use of land and buildings for the primary purpose of the production of vegetative matters and/or commercial livestock. Excludes residential activity, home occupations, factory farming and forestry activity. Means the use of lakes and rivers for access for farming activities."*
- 3.22 Such a purpose ignores the large areas of crown land, including public conservation land, lakes and rivers, in the rural zone which are not farmed. Moreover Mr Barr goes on to state *"The activity based framework of the Rural Zone chapter makes it clear that farming is the principal land use in the Rural Zone."* Refer map below where the Public Conservation Land is shaded in darker blue.



3.23 Accordingly we would argue that the lack of specificity in the ODP purpose statement which contemplates a wide variety of activities in the Rural General Zone, is much more appropriate compared to the PDP purpose. Because for significant areas of the rural zone, farming is not the primary land use and recreation predominates as the main land use.

3.24 Mr Barr suggests considers “that the limit of 10 people is balanced in that it provides for a group that is commensurate to the size of groups that could be contemplated for informal recreation activities. Ten persons is also efficient in that it would fit a mini-van or a single helicopter, which I would consider as one group.” However with this recommendation Mr Barr has ignored the Land Transport Amendment Act 2005 which provides for a “small passenger service vehicle” which is any passenger service vehicle that is designed or adapted to carry 12 or fewer persons (including the driver). Consequently it is standard tourism industry practice for small group

party sizes to be 12 to align with this legislation.

- 3.25 Further the Mount Aspiring National Park Management Plan and the Draft Otago Conservation Management Strategy respectively provide for concessionaire party sizes of 13 inclusive of guides for backcountry zones, or 15 inclusive of guides for backcountry zones. Therefore it would also be helpful to align the PDP rules with the Department of Conservation rule framework to increase the ease with which tourism operators can undertake business across land with varying status in the District.
- 3.26 Real Journeys is advocating for the inclusion of a new definition for “Tourism Activity” for the avoidance of doubt. It is widely understood that Tourism Activities encompass recreation, plus retail and hospitality which includes the provision of trade premises, accommodation, food, and beverages. Whereas in New Zealand, commercial recreation is usually confined to outdoor recreational activities provided on a fee for service basis, with a focus on experiences associated with the natural environment.
- 3.27 That is, we believe in the PDP framework it would be beneficial to have an overarching definition with respect to tourism, especially for complex businesses like Real Journeys, which undertake a multitude of activities and provide several services on one site.
- 3.28 Real Journeys believes this is particularly important because of the entrepreneurial nature of the tourism in the District where new products are being constantly developed and new trends in tourism are evolving such as “voluntourism”; (<http://www.projects-abroad.org/voluntourism/>) and it is very likely such new developments will not be captured by the existing PDP activity definitions as we doubt voluntourism is.
- 3.29 Consequently, I agree with Real Journeys and Queenstown Park Limited’s contention that PDP Policy 21.2.9.1 should also include tourism because we assert the commercial activity definition is not broad enough to encompass all likely tourism activities which could be undertaken in the rural zone.
- 3.30 Nevertheless we do support the inclusion of “and water” in Policy 21.2.9.1 in the context of the current framework of the PDP.
- 3.31 Mr Barr has commented on the establishment of administration offices of Tourism Operators in the Rural Zone, and Rural Landscape Classification areas. For an owner operator tourism venture or when the tourism business is located remotely, developing administrative offices on site would be essential, and approval for such an activity

should not be linked to effects on town centres or the integrity of urban growth boundary.

3.32 As stated previously, Real Journeys is very concerned that Policy 21.2.9.2 even in its redrafted form, is not permissive enough to adequately provide for the development of appropriate tourism activities in the District.

3.33 I disagree with Mr Barr's assertion that the framework of the rural zone "*adequately contemplates and provides for activities that rely on the rural resource, while protecting the Rural Zone's resources with respect to the benefits and adverse effects that have the potential to arise from commercial activities in the Rural Zone.*" Because we can envisage a number of existing consented tourism businesses which have been operating for years without raising concerns with respect to adverse effects; but would not meet the thresholds created under the PDP.

3.34 INFORMAL AIRPORTS

3.35 From a practical point of view we are opposed to the proposed 500 metre setback of Informal Airports from legal roads. From our experience, informal airports need to be in close proximity to roads to facilitate the transfer of passengers, equipment and supplies. For instance when topdressing aeroplanes are spreading fertiliser, the fertiliser needs to be readily transferred from truck to plane and this will not be facilitated by a 500 metre setback.

3.36 Moreover, practically, Real Journeys often has visitors flown by helicopter which land at or near the terminus of roads where they can be easily picked up by vehicle, rather than at formal airstrips or landing areas..

3.37 The proximity to road access to informal airports is also pertinent to medivacs and other emergency landings when patients need to be readily transferred to aircraft.

3.38 Hence Real Journeys is opposed to the redrafted rules 21.5.25 and 21.5.26 as we believe to facilitate aircraft access, a distinction needs to be made between the permitted distance from a legal road and "*the notional boundary of any residential unit of building platform not located on the same site*".

3.39 Especially because the proposed 500 metre setback regime for informal airports seems to be based on noise contours and the use of roads creates noise. Hence it is appropriate to have different setback for legal roads compared to residential building platforms where

there is a greater expectation of the maintenance of natural quiet.

3.40 Nevertheless we do support the proposed increase in frequency of flights to two flights per day.

3.41 SURFACE OF WATER, RIVERS, AND LAKES

3.42 Real Journeys is advocating for the provisions relating to activities on the surface of water be removed from the Rural Chapter and elevated to their own chapter that focuses on the surface of water and the margins of waterways for several reasons:

- a) The District's waterways are being afforded sufficient status in the PDP, because of the significant contribution lakes and rivers make to the character and attractiveness of the District, and this unique character is being overridden in the PDP by more general rural character values;
- b) "Water" (including snow) in the District has been one of the essential elements to the development of Queenstown as a world leading tourism destination and the importance of this water asset should not be overlooked in a District which relies so heavily on Tourism - refer [https://www.queenstownnz.co.nz/content/library/Queenstown the birthplace of adventure tourism1.docx](https://www.queenstownnz.co.nz/content/library/Queenstown%20the%20birthplace%20of%20adventure%20tourism1.docx);
- c) Many of the policies and objectives in the PDP focus on agricultural land use and are therefore discordant with the land use associated with lakes and rivers, and environmental outcomes which should be sought for the District's waterways; for example:
"Objective 3.2.5.5 - The character of the district's landscapes is maintained by ongoing agricultural land use and land management"; and
- d) Because the responsibilities under s13 (1)(a) of the RMA have been transferred from the ORC to QLDC, the Council has additional responsibilities with respect to the management of waterways compared to other territorial authorities.

"TSS EARNSLAW"

3.43 Real Journeys is concerned that Mr Barr has dismissed our proposed policies mainly with respect to providing for the safe operation of the "TSS Earnslaw". At present the ODP affords some protection to the operation of the "TSS Earnslaw" yet the PDP retains no such provisions.

3.44 The "TSS Earnslaw" represents a special case with respect to its safe operation on Lake Wakatipu, and we fervently believe that the "TSS Earnslaw" should be afforded greater protection compared to other commercial motorised activities on Lake Wakatipu.

3.45 Specifically, the “TSS Earnslaw” has the following characteristics which contribute to her unique character:

- a) The “TSS Earnslaw” was launched in 1912 and requires considerable maintenance to keep her operating safely;
- b) Being a coal fired steam ship means the “TSS Earnslaw’s” engine fuel supply is not constant, and if our stokers are interrupted for any reason the vessel will lose power;
- c) Operating an historic steam engine and steam boiler creates numerous health and safety risks;
- d) The “TSS Earnslaw” has a narrow hull in relation to her overall length, which creates a tendency for strong directional stability which makes the vessel reluctant to turn. As a result, greater power has to be applied in a turn compared to a shorter vessel;
- e) Therefore to maintain steerage especially when turning, the “TSS Earnslaw” must maintain a speed in excess of 5 knots when coming alongside; that is within 200 metres of the shore which is typically the lower speed limit required for safe vessel operations;
- f) It is the largest vessel on the lake, therefore she has considerable momentum when underway and therefore can not be stopped or turned quickly;
- g) This is further complicated because, the “TSS Earnslaw” does not have a modern throttle to engage forward or reverse propulsion, rather the master must telegraph his intentions using traditional telegraph bells to the engineers below who in turn control the throttle. The telegraph engine order system creates delays in ordering power and having it applied to the shaft line which slows manoeuvring;
- h) With the telegraph system, there is also the possibility of engine order mismatch due to the chain of humans involved, which introduces risk to adjacent vessels and wharves which should be minimised;
- i) On windy days she is particularly at risk if the turn stalls from being caught in irons (unable to overcome the effects of the wind to turn up into the wind and effectively sent sideways into shoal water). In these situations the vessel may back out rather than trying to start the turn again; and
- j) As a consequence of all these factors, the “TSS Earnslaw” has fewer margins to deal with external issues, typically on approach to her wharves in Queenstown Bay and Beach Bay, and she may behave unpredictably compared to other vessels operating on the lake when undertaking evasive manoeuvres or the vessel operation goes amiss.

3.46 Consequently we find it untenable that the PDP does not make allowance for the safe operation of the “TSS Earnslaw”.

3.47 Further, I have found the navigational safety provisions of the Regional Coastal Plan for Southland invaluable in affording protection for the safe operation of our vessels in Fiordland with respect to the installation of structures. Thus we have sought to gain similar protection for our vessel operations in the Queenstown Lake District. For example:

“Policy 11.8.1 - Existing navigation routes

Preserve existing navigation routes:

- *around the coast of the region; and*
- *to and from launching places, ports and anchorages.*

Policy 11.8.2 - Avoid adverse effects on navigation safety

Avoid any adverse effects from structures and activities on navigation safety.”

<http://www.es.govt.nz/publications/plans/coastal-plan/>

3.48 Accordingly I do not think it is inappropriate for the PDP to advocate for safety on and around the District’s waterways because it is not obvious *“it is accepted that safety is paramount,”* as stated by Mr Barr in his section 42A report.

3.49 With respect to Policy 21.2.12.3 we are seeking a change to this policy to at least acknowledge in the PDP that *“potentially intrusive commercial activities”* in terms of jet boating already occur along the Kawarau River on the Frankton Arm.

3.50 In the context of Policy 21.2.12.9 Mr Barr states that *“any activity with a propeller could have impacts such as turbidity, and many vessels could create wash that has potential for erosion”*; I contend that it is the action of a hull being forced through the water by any means of propulsion which creates wake and turbidity, which is the primary factor in contributing to erosion, not prop wash.

3.51 Nevertheless in wake studies undertaken in Fiordland, Pickrill (1978)¹ and Kirk (1989)² note that wave action capable of eroding sediment from beaches on lakes is primarily natural in origin, but is generally limited by the short fetch lengths available to generate and propagate waves. Kirk goes on to state that boats can also make significant waves, especially large fast vessels operating frequently and regularly. The energy of wake waves can equal or exceed natural wave energy, and can potentially increase the frequency and severity of wave action of some beaches.

¹ Pickrill, R.A. (1978) Effects of boat wakes on the shoreline of Lake Manapouri. New Zealand Engineering (33, 9) 15 September 1978, pp194-198.

² Kirk, R.M. (1989) Catamaran wake from the “Fiordland Flyer” on the shoreline of Lake Manapouri. Report to the Guardians of Lakes Manapouri and Te Anau, March 1989, 17pp.

- 3.52 In Queenstown the fast vessels operating frequently and regularly are jet boats and these vessels therefore pose a greater risk in terms of effecting changes to margins of lakes and rivers. Hence it would seem appropriate to identify this risk in the PDP policies.
- 3.53 Regarding our proposed change to Policy 21.2.12.10; as outlined above, the “TSS Earnslaw” has many unique characteristics that set her apart from other commercial vessels and we believe her operation should be appropriately protected.
- 3.54 We wonder what Rule 21.5.47.1 is seeking to limit and if this rule should not be linked to noise standards because it is noise at night which is likely to create adverse effects and a noisy public ferry will still create issues. At present the “TSS Earnslaw” often cruises within Frankton Arm between 2000 and 0100, and this activity over decades has not created complaints from residents.

4.0 INDIGENOUS VEGETATION

- 4.1 Real Journeys as the owner of Cardrona Alpine Resort (CARL) is also advocating that indigenous vegetation clearance become a permitted within the Ski Area Sub Zones; because it has been identified that snowmaking, skiing and heavy machinery such as snow groomers’ degrade indigenous vegetation.
- 4.2 Specifically, DOC commissioned studies found that grooming and skiing significantly reduced total vegetation cover, and grooming had a greater impact than skiing alone. The impact was greatest on cushion plants, with the greatest reduction in live vegetation cover occurred on those cushionfields which had only been groomed for one year, and that plants appear to recover in subsequent seasons. However while vegetation will start to grow back after the initial skiing or grooming disturbance, it could take many years for pre-disturbance levels of total vegetation cover to be reached.
<http://www.doc.govt.nz/Documents/science-and-technical/Sfc120A.pdf>
<http://www.doc.govt.nz/documents/science-and-technical/sfc085.pdf>
- 4.3 Furthermore, overseas studies have found that snowmaking also slows plant growth. Generally, species diversity and productivity is minimised compared to undisturbed areas and there is a modification in species and a permanent change in the plant communities. Specifically above 1200 meters regeneration is often not possible and soils and slopes degenerate from year to year.
<http://www.alpconv.org/en/publications/otherinfo/thesis/Documents/SNAJDR-Artifical%20snow.pdf>

- 4.4 That is, even without intending to, the normal operation of Cardrona Alpine Resort will result and no doubt has, resulted in the degradation of indigenous vegetation on the ski slopes and the extent of this degradation can not be readily quantified.
- 4.5 Moreover, because PDP rule 33.5.10 references “burning” it is apparent the PDP proposes to protect the Districts alpine environments from the type of vegetation clearance which has been undertaken historically by farmers not ski field operations.
- 4.6 Hence I contend if skiing, snowmaking and the use of snow groomers are permitted in the Ski Area Subzones, then QLDC needs to also acknowledge that these very activities compromise indigenous vegetation in these subzones and therefore allow for this often inadvertent clearance indigenous vegetation as a permitted activity.

5.0 WILDING EXOTIC TREES

- 5.1 Real Journeys is opposed to Mr Barr’s recommendation that the planting *Pinus radiata* not be prohibited in the PDP for the following reasons:

- a) I believe that planting *Pinus radiata* represents an unacceptable risk to the District, which has the potential to translate to significant ongoing pest control costs for the District. For instance, the clearance of wilding trees and establishment of some other vegetation from most of our 155 hectares at Walter Peak, has left us with little change out of \$500K and there will be ongoing costs as we fight the invasion and regrowth of weed species – refer the before and after photos below;





- b) Because of the large areas of conservation land and crown land in the District;
- c) There are other suitable non-invasive species such as Manuka, Kanuka and some species gum which are equally fast growing which can be used for shelter belts, firewood production and forestry as detailed in “A guide to Wilding Pines in the Queenstown Lakes District” [http://www.qldc.govt.nz/assets/OldImages/Files/A Guide To Brochure Series/A guide to wilding pines.pdf](http://www.qldc.govt.nz/assets/OldImages/Files/A_Guide_To_Brochure_Series/A_guide_to_wilding_pines.pdf));
- d) That *Pinus radiata* plantations deplete water catchments as identified by Mr Davis, which has the potential to compromise river water flows, especially because many of the District’s river catchments are over allocated; and
- e) That the revised PDP provisions relating to *Pinus radiata* undermine the following Otago Regional Policy Statement policy:
10.5.3 To reduce and where practicable eliminate the adverse effects of plant and animal pests on Otago’s communities and natural and physical resources through:
 - a. *Developing strategies to effectively manage Otago’s plant and animal pests; and*
 - b. *Educating about the responsibilities of all parties in the management of Otago’s plant and animal pests; and*
 - c. *Adopting the most practicable method of pest control while safeguarding the environment.*

Signed 21 April 2016